

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JOSEPH PIESCIUK,	:	Case No. 1:14-cv-185
	:	
Petitioner,	:	Judge Timothy S. Black
	:	Magistrate Judge Michael R. Merz
vs.	:	
	:	
BENNIE KELLY, Warden	:	
Grafton Correctional Institution,	:	
	:	
Respondent.	:	

**DECISION AND ENTRY ADOPTING: (1) THE REPORT AND
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE
(Doc. 18); and (2) THE SUPPLEMENTAL REPORT AND
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE
(Doc. 36)**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Michael R. Merz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on April 13, 2015, submitted a Report and Recommendations. (Doc. 18). The Petitioner filed objections. (Doc. 21). The Court returned the case to Magistrate Judge Merz with instructions to file a supplemental report analyzing the objections and making recommendations based upon that analysis. (Doc. 22). Subsequently, on December 17, 2015, Magistrate Judge Merz

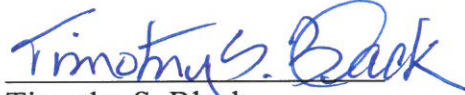
submitted a Supplemental Report and Recommendations. (Doc. 36). Again, the Petitioner filed objections. (Doc. 37).¹

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that the Reports and Recommendations should be and are hereby adopted in their entirety. Accordingly:

1. The Petition (Doc. 1) is **DISMISSED WITH PREJUDICE** and this case is **TERMINATED** on the docket of this Court; and
2. Pursuant to 28 U.S.C. Section 1915(a)(3), an appeal of this Order would not be taken in good faith and therefore, the Petitioner is denied leave to appeal *in forma pauperis*.

IT IS SO ORDERED.

Date: 1/7/16


Timothy S. Black
United States District Judge

¹ For the reasons stated in the Supplemental Report and Recommendations, the Petitioner's objections are overruled.